

THE UTAH ELDER RIGHTS RESOURCE BOOKLET

Presented by
Utah Division of Aging and Adult Services

This resource booklet is a preview of the upcoming book *Navigating Your Rights: The Utah Legal Guide to Those 55 and Over*. *Navigating Your Rights* is a highly practical and straight-talking book that navigates you through legal topics that are important to those 55 and over living in Utah. In question and answer format this book guides you to the right information for your situation.

In it you will discover how to:

- avoid scams
- recognize and prevent elder abuse
- navigate social security
- get grandparent visitation rights
- express your end-of-life wishes
- prepare a will
- choose a quality long-term care facility
- determine when you do and do not need an attorney
- protect yourself against financial exploitation
- find out what Medicare does and does not cover
- and much more



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A Preview to the Upcoming Book
Navigating Your Rights:
The Utah Legal Guide for Those 55 and Over

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Preview of *Navigating Your Rights: The Utah Legal Guide for those 55 and Over*

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The publishing date for *Navigating Your Rights* is September 15th, 2011. The book will be available at cost in print as well as at no cost for download.

To be put on a mailing list announcing this book's release call 1-877-424-4640 or go to www.hsdaas.utah.gov for updated information.

The primary author is willing to speak to groups on any topic presented in this book. Please contact:

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Utah Division of Aging and Adult Services
jgunther@utah.gov
801-538-3910.

Disclaimer

This booklet is intended to provide general legal resources. You should not consider it the rendering of legal advice that is applicable to any particular situation. It is your responsibility to consult with competent legal counsel regarding any information discussed in this booklet. This information is intended, but not guaranteed, to be accurate and current. It is provided without warranty or guarantee. In no way will the author be liable to the reader or any other person or entity for damages arising from the reliance, use, inability to use, or lack of action based on this information. The author will not be responsible for any claims arising from errors, omissions, or inaccuracies in this book.

Chapter 1

PROTECTING YOURSELF AGAINST SCAMS AND SALES

SCAMS

If you are the victim of a scam report the scam to:

Federal Trade Commission

877-FTC-HELP (382-4357)

www.ftc.gov

Utah Division of Consumer Protection

800-721-SAFE (721-7233)

801-530-6601

www.dcp.utah.gov

If you need information about scams:

National Consumer Law Center

www.consumerlaw.org

National Fraud Information Center

www.fraud.org

IDENTITY THEFT

**If you need to check your credit report and/or report
identity theft:**

Annual Credit Report Request Service

877-322-8228

www.annualcreditreport.com

Equifax

800-525-6285 (fraud alert)

800-685-1111 (credit reports)

www.equifax.com

Experian

888-397-3742 (fraud alert and credit reports)

www.experian.com

TransUnion

800-680-7289 (fraud alert)

800-916-8800 (credit reports)

www.transunion.com

If you are a victim of identity theft report it to:

Utah Attorney General's Office**Identity Theft Reporting**

www.idtheft.utah.gov

Federal Trade Commission's Identity Theft Hotline

877-IDTHEFT (438-4338)

www.ftc.gov/idtheft

TELEMARKETERS

To register your phone number on the

National Do-Not-Call Registry:

888-382-1222

www.donotcall.gov

If you need to file a complaint against a telemarketer for violating the law:

Utah Division of Consumer Protection

800-721-7233

801-530-6601

www.dcp.utah.gov

Federal Communications Commission

888-CALL-FCC (225-5322)

www.fcc.gov

Federal Trade Commission

877-FTC-HELP (382-4357)

www.ftc.gov

JUNK MAIL

Get your name removed from mailing lists by registering for the mail preference service:

Direct Marking Association

www.dmachoice.org

CONTRACTORS

Before hiring a contractor check to see if they have complaints filed against them:

Better Business Bureau of Utah

800-456-3907

801-892-6009

www.utah.bbb.org

Check a contractor's business license and liability insurance before you hire them:

Utah Division of Occupational and Professional Licensing

866-275-3675

801-530-6628

www.dopl.utah.gov

If you need some general information about hiring a contractor:

Federal Trade Commission

www.ftc.gov

National Association of Home Builders

www.nahb.org

REVERSE MORTGAGE

For information about reverse mortgages:

AARP Foundation

800-209-8085

www.aarp.org

DOOR-TO-DOOR SALES

If you need to file a complaint regarding a door-to-door salesperson:

Utah Division of Consumer Protection

800-721-7233

www.dcp.utah.gov

Chapter 2

KNOWING YOUR CONSUMER RIGHTS

COMPLAINTS

If you have a dispute with a company you may be able to file a complaint:

Utah Division of Consumer Protection

800-721-7233

801-530-6601

www.dcp.utah.gov

Better Business Bureau of Utah

800-456-3907

801-892-6009

www.utah.bbb.org

Federal Trade Commission

877-FTC-HELP (382-4357)

www.ftc.gov

SMALL CLAIMS COURT

If you need a guide on filing a small claims court claim:

Utah State Courts' Self-Help Resource Center

www.utcourts.gov/selfhelp

UTILITIES

If you need to file a complaint against a utility company:

Utah Division of Public Utilities

PO Box 146751

Salt Lake City, UT 84114-6751

800-874-0904

801-530-6652 (SLC)

www.publicutilities.utah.gov

BANKRUPTCY

For information on filing for bankruptcy:

Utah Legal Services

800-662-4245

801-328-8891

www.uls.state.ut.us

Utah State Courts' Self-Help Resource Center

www.utcourts.gov/howto

American Bankruptcy Institute

www.abiworld.org

Chapter 3

PREVENTING AND PROTECTING YOURSELF FROM ABUSE

ABUSE

You must report any suspected abuse of a senior to:

Utah Adult Protective Services

800-371-7897

801-264-7669 (SLC)

www.hsdaas.utah.gov

For information on abuse:

**National Committee for the
Prevention of Elder Abuse**

www.preventelderabuse.org

Chapter 4

CARING FOR GRANDCHILDREN

GRANDPARENT

**For seminars and support groups on grand-
parenting issues:**

**Children's Service Society of Utah
Grandfamilies Program**

800-839-7444

www.cssutah.org

For resources for grandparents caring for their grandchildren:

AARP

www.aarp.org

For information on kinship care:

Utah Division of Child and Family Services

801-538-4100

www.dcfs.utah.gov

For information on Kinship financial assistance:

Utah Department of Workforce Services

801-526-9675

www.jobs.utah.gov

MEDIATION AND VISITATION

If you need legal mediation and are of low or moderate income:

Utah Dispute Resolution

877-697-7175

801-532-4841 (SLC)

801-689-1720 (Ogden)

www.utahdisputeresolution.org

GUARDIANSHIP AND ADOPTION

For information on guardianship of a minor and adoption:

**Utah State Courts' Online
Court Assistance Program**

www.utcourts.gov/ocap

Utah State Courts' Self-Help Resource Center

www.utcourts.gov/howto

Chapter 5

LEARNING ABOUT BENEFITS

SOCIAL SECURITY

Administers Social Security benefits:

Social Security Administration

800-772-1213

www.ssa.gov

VETERAN BENEFITS

Administers various benefits to veterans:

Department of Veterans Affairs

800-827-1000

www.va.gov

Assists veterans with preparing and filing claims:

Utah Department of Veterans Affairs

800-894-9497

www.veterans.utah.gov

Helps disabled American Veterans:

877-I-AM-A-VET (877-426-2838)

801-326-2375

www.dav.org

National Veterans Legal Services Program

202-265-8305

www.nvlsp.org

PENSIONS

For information regarding pensions and pension rules:

Pension Rights Center

www.pensionrights.org

Regulates pension plans:

Pension Benefit Guaranty Corporation

800-400-7242

www.pb.gc.gov

Chapter 6
OBTAINING MEDICAL INSURANCE

MEDICARE AND MEDIGAP

**For free counseling on Medicare, Medigap,
and long-term care insurance:**

**Senior Health Insurance Information Program
(SHIP)**

800-541-7735

www.daas.utah.gov

**Utah Insurance Department,
Health Insurance Division**

801-538-3077

www.insurance.utah.gov

For information on Medicare:

Medicare

800-MEDICARE (633-4227)

www.medicare.gov

MEDICAID PROGRAM

For information on Utah Medicaid:

Utah Medicaid Program

800-662-9651

www.health.utah.gov/medicaid

LONG-TERM CARE INSURANCE

For information about long-term care:

National Center for Assisted Living

800-628-8140

www.ncal.org

AARP

www.aarp.org

Chapter 7

FINDING HOUSING OPTIONS

HOUSING OPTIONS

For information about housing options:

Senior Housing Net

www.seniorhousing.net

Eldercare Locator

www.eldercare.gov

For products that help people live independently:

Life Solutions Plus

www.lifesolutionsplus.com

SENIOR CENTERS

For a list of Utah seniors centers:

Utah Division of Aging and Adult Services

www.hsdaas.utah.gov

NURSING HOMES

For reports on nursing homes:

Medicare

800-MEDICARE (633-4227)

www.medicare.gov

Health Insight

www.healthinsight.org

For information on nursing home inspections:

Utah Department of Health

www.health.utah.gov

To report a complaint regarding a long-term care facility:

Ombudsman Program

Contact your local Area Agency on Aging,

Call 1-800-538-3910 to find your local Area Agency on Aging Ombudsman.

Chapter 8

**ORGANIZING YOUR ASSETS:
ESTATE PLANNING**

ESTATE PLANNING

For information on estate planning:

Utah State Bar
www.utahbar.org

American Bar Association
www.abanet.org

Chapter 9

**KEEPING THE POWER:
END-OF-LIFE PLANNING**

ADVANCE HEALTH CARE DIRECTIVES

**To download the Advance Health Care Directive form,
toolkit, and instructions:**

Utah Division of Aging and Adult Services
877-424-4640
801-538-3910
www.hsdaas.utah.gov

GUARDIANSHIP AND POWER OF ATTORNEY

For information regarding guardianships, conservatorships, advance directives, and power of attorney:

Utah State Courts' Self-Help Resource Center

www.utcourts.gov/howto

Office of Public Guardian

www.opg.utah.gov

Chapter 10

MAKING ARRANGEMENTS: DEATH OF A LOVED ONE

ORGAN DONATIONS

To register for organ and tissue donations:

Utah Donor Registry

866-937-8824

www.yesutah.org

DEATH CERTIFICATES

To order official Utah death certificates:

Utah Department of Health, Office of Vital Records

801-538-6105

www.silver.health.utah.gov

FUNERAL TRADE RULES

For information on the funeral trade rules:

Federal Trade Commission

877-FTC-HELP (382-4357)

www.ftc.gov/funerals

Chapter 11

GETTING LEGAL HELP: WHERE TO GO FROM HERE

In This Chapter, Learn:

- Where to Go for More Legal Help
- About Solving the Issue Yourself
- How to Get Brief Legal Help
- How to Hire an Attorney
- About Much More

SOLVING THE PROBLEM YOURSELF

HOW DO I RESOLVE A DISPUTE?

If your issue involves a dispute with another person or organization, try to resolve the dispute. If you are unable to resolve the issue, see whether the organization or person is willing to go to mediation. Mediation is a great way to resolve disputes without having to go to court. Some mediation services are affiliated with the courts, while there are also private and nonprofit mediation services. A mediator acts as a neutral person who listens to both parties and tries

to move them to an acceptable resolution. You can find a list of mediators, and more information about mediation services, at the Utah State Courts' Self-Help Resource Center website (see the "More Information" section on page 24).

CAN I SUE IN SMALL CLAIMS COURT?

You can file a consumer claim (such as a breach of a contract, property damage, consumer complaint, or payment owed) against a person or a business if your claim is not above \$10,000. The rules in small claims court are simple, and you can file and present your case without an attorney. For a guide on filing a small claims case, go to the Utah State Courts' Self-Help Resources website (see the "More Information" section on page 24).

CAN I REPRESENT MYSELF?

There may be a time when you are unable to hire an attorney and will need to represent yourself, or maybe you just need more information about how the court works. The Utah State Courts have an excellent Self Help Resource Center online. It has pro se (representing yourself) packets, how-to guides, and legal forms. It also provides a wealth of information on different areas of law (see the "More Information" section on page 24).

GETTING BRIEF LEGAL HELP

WHERE CAN I GET A LEGAL QUESTION ANSWERED?

Salt Lake and Washington county have free legal clinics staffed by volunteer attorneys for seniors of all income levels. These clinics specifically address elder law issues. Each appointment lasts about 20 minutes. You tell the attorney your problem, and he or she will provide a legal assessment. Your conversation with the attorney is confidential, but the attorney is not representing you. In addition, there are free legal clinics all over the state where people of low income can go for brief legal advice. For a list of clinics, go to the Utah State Courts' Self-Help Resources website.

WHAT ARE GOVERNMENT LEGAL SERVICES?

In Utah, the government funds limited legal assistance to those 60 years and older. Those who are in the greatest social and economic need are given priority in receiving services. Typical cases involve guardianship, Advance Health Care Directives, consumer fraud, housing issues, and long-term care rights, among others. These legal services also include community legal education and legal advice. In some rare cases, representation might be available. For more information on this resource, call your local Area Agency on Aging (AAA) (call the Utah Division of Aging and Adult Services to find out which AAA you should call). The AAA is the government organization that provides aging services in your local community including legal services. They can direct you to the legal service provider they contract with in your area. Most often they will refer you to the senior legal helpline at Utah Legal Services (1-800-662-1772).

HIRING AN ATTORNEY

HOW DO I HIRE AN ATTORNEY?

Although hiring an attorney may be costly, sometimes it is necessary. If cost is an issue, try to find an attorney who offers unbundled legal services. This allows you to hire an attorney for limited representation. You choose exactly what legal tasks you want the attorney to perform. For example, you could hire an attorney to just draft a document, review a document, or represent you through a legal issue. One way to find an attorney is by asking friends, family, and professionals in the field for a recommendation. It is very important to hire an attorney who specializes in the area of law surrounding your legal question. For example, you should hire an attorney in estate planning or elder law if you have a question about a trust. Conversely, you should not hire a tax attorney for a family law issue. Before hiring an attorney, make sure you ask the following questions:

- How long have you been practicing law?
- What is your area of expertise?
- How much do you charge?
- Is there a charge for the initial consultation?
- Have you ever had a bar complaint? (You can confirm this with the Utah State Bar.)
- How long does it take you to return a client's phone call?
- How long will my case take?
- What outcome can I expect?

MORE INFORMATION

MEDIATION

Provides mediation in small claims courts and for those with low and moderate income:

Utah Dispute Resolution

877-697-7175

801-532-4841 (SLC)

801-689-1720 (Ogden)

www.utahdisputeresolution.org

SMALL CLAIMS AND PRO SE

Information on filing a small claims suit:

Utah State Courts' Self-Help Resource Center

www.utcourts.gov/selfhelp

Online assistance for filing pro se documents:

www.utcourts.gov/ocap/

CLINICS

Free legal clinics on elder law:

St. George Legal Clinic

St. George Senior Center

245 North 200 West

second Thursday of each month

1:30 – 2:30pm

435-634-5716 (by appt. only)

Salt Lake Senior Legal Clinics

Held at Various Senior Centers

call the Utah State Bar for more information

801-297-7049

Provides a list of free legal clinics throughout Utah:

Utah State Courts' Self-Help Resource Center

www.utcourts.gov/howto

GOVERNMENT LEGAL SERVICES

Provides a list of Area Agencies on Aging:

Division of Aging and Adult Services

877-424-4640

www.hsdaas.utah.gov

Provides free brief legal advice to vulnerable seniors

Senior Legal Helpline (funded through 2012)

9 am – 2 pm

1-800-662-1772

Provides legal advice, information and representation to low income Utahns:

Utah Legal Services

801-328-8891

800-662-4245

www.andjusticeforall.org/uls

HIRING AN ATTORNEY

Provides a lawyer referral service:

LegalMatch

www.utahbar.legalmatch.com

To check for complaints against an attorney:

Utah State Bar

801-531-9077

www.utahstatebar.org

ABOUT THE AUTHOR

Jilenne Gunther grew up wanting to be Superman. Five stitches and ninety days later, she chose a different road. Armed with her passion for social work and her trade as an attorney, she joined the Utah Division of Aging and Adult Services as the state leader on elder law. Now Ms. Gunther is on a mission: to make law accessible and meaningful for those over 55. Jilenne Gunther has spent the last six years researching and exploring practical ways the law can help those over 55 navigate rights, benefits, and resources. She writes articles, teaches classes at the University of Utah, and has received (no kidding) over ten awards for her work in the community. Most recently she attended a hearing of the U.S. Senate Special Committee on Aging where her groundbreaking study on financial exploitation was presented. Jilenne is a popular speaker, straight talker, and avid adventurer.